

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

HENRY SAAVEDRA,

Plaintiff,

No. 12-1111

v.

**CITY OF ALBUQUERQUE,
VICTOR GROSSETETE,
And JOHN/JANE DOES 1-6**

Defendants.

NOTICE OF REMOVAL

Pursuant to 29 U.S.C. §§ 1441(b) and 1446(a), Defendants City of Albuquerque and Victor Grossetete (“Defendants”) give Notice of Removal to this Court of the civil action originally filed on September 14, 2012, in the Second Judicial District Court for the State of New Mexico, County of Bernalillo, Case No. CV 2012-1294, as captioned above, and as grounds therefore states:

1. Plaintiff filed his Complaint to Recover Damages (hereinafter “Complaint”) with the Second Judicial District Court on September 14, 2012. [A copy of the Complaint is attached as Exhibit 1.]
2. The Complaint was served upon City Defendant on September 26, 2012.
3. The Complaint has not yet been served on Defendant Victor Grossetete.
3. This Notice of Removal is timely filed within thirty days after receipt and service of the summons and Complaint upon Defendant City of Albuquerque.

4. Pursuant to 28 U.S.C. §1446(d), copies of the Notice of Removal will be promptly given to all adverse parties and a copy of the Notice of Removal will be filed with the Clerk of the Second Judicial District Court, County of Bernalillo, State of New Mexico.

5. Claims stated against Defendants in this case are subject to the jurisdiction of this Court pursuant to 28 U.S.C. § 1331 and 1343(a)(3) and (4) as follows:

a. This Court has original jurisdiction because the Complaint is founded on a claim or right arising under the United States Constitution and the laws of the United States. [See Exhibit 1]

b. An actual controversy exists because the Complaint alleges that Defendant deprived Plaintiff of his constitutional rights under the Fourth Amendment to the United States Constitution. [See Exhibit 1, Count I at ¶¶ 39-41]

6. Defendant City of Albuquerque and Defendant Victor Grossetete consent to this removal.

Respectfully submitted

CITY OF ALBUQUERQUE
David J. Tourek, City Attorney

/s/ Kristin J. Dalton
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*Attorney for Defendants City of Albuquerque
and Victor Grossetete*

I certify that a true copy of the
foregoing pleading was e-filed and mailed to:

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Attorneys for Plaintiff

on this 26th day of October, 2012.

/s/ Kristin J. Dalton
Assistant City Attorney